

## MANDATORY REPORTING OF PRENATAL NEGLECT

### A CHANGE IN THE LAW

Act 157 of the 2006 Louisiana Legislative Session modified Article 603 of the Louisiana Children's Code. It was enacted to bring Louisiana into compliance with the Child Abuse and Prevention Treatment Act (CAPTA) amendment that requires states to develop policies and procedures to address the needs of newborns identified as being affected by illegal use of a controlled dangerous substance, including a requirement that physicians involved in the delivery or care of such infants notify Child Protection (Office of Community Services, OCS).

Once reported, the Office of Community Services conducts an investigation and develops a plan of safe care for the infant, in conjunction with the family, the health care providers and substance abuse experts. Interventions to reduce adverse outcomes and promote healthy home environments are critical to the well being of children exposed to substances in utero.

Act 157 modified the definition of neglect in the Louisiana Children's Code by including a definition of prenatal neglect.



## MANDATED REPORTERS

**Physicians** are mandated to make a report to their local Child Protection Intake, Office of Community Services (OCS), whenever an infant meets the criteria for prenatal neglect.

### DEFINITION OF PRENATAL NEGLECT

Children's Code Article 603(16.1) states: "Prenatal Neglect means the unlawful use by a mother during pregnancy of a controlled dangerous substance, as defined by R.S. 40:961 et seq., which results in symptoms of withdrawal in the infant or the presence of a controlled substance in the infant's body."

### REPORTING PROCEDURE

Children's Code Article 610(G) states: "If a physician has cause to believe that a mother of an infant unlawfully used during pregnancy a controlled dangerous substance, as defined by R.S. 40:961 et seq., the physician shall order a toxicology test upon the infant, without the consent of the infant's parents or guardian, to determine whether there is evidence of prenatal neglect. If the test results are positive, the physician shall report the result, as soon as possible in accordance with this Article. If the test results are negative, all identifying information shall be obliterated if the record is retained, unless the parent approves the inclusion of identifying information. Positive test results shall not be admissible in a criminal prosecution."



### REPORTING LIABILITY

State law protects the identity of all mandated reporters, and you are given immunity from legal liability as a result of reports you make in good faith.<sup>1</sup> The reporting form can be downloaded at: <http://www.dss.state.la.us/Documents/OCS/CPI-2.pdf>

Willful failure to report suspected incidents of child abuse or neglect is a misdemeanor, and you may be subjected to a fine of not more than \$500 dollars or imprisoned for not more than six months, or both.<sup>2</sup>

<sup>1</sup> Children's Code Article 609(A)(2)

<sup>2</sup> LSA-R.S. 14:403(A)(1)



## CHILD PROTECTION NUMBERS

| PARISH           | PHONE        |
|------------------|--------------|
| ACADIA           | 337-788-7503 |
| ALLEN            | 318-335-1740 |
| ASCENSION        | 225-644-4603 |
| ASSUMPTION       | 985-447-0945 |
| AVOUELLES        | 318-253-7734 |
| BEAUREGARD       | 337-463-2056 |
| BIENVILLE        | 318-371-3004 |
| BOSSIER          | 318-741-7340 |
| CADDO            | 318-676-7622 |
| CALCASIEU        | 337-491-2545 |
| CALDWELL         | 318-262-5311 |
| CAMERON          | 337-491-2545 |
| CATAHOULA        | 318-339-6030 |
| CLAIBORNE        | 318-371-3004 |
| CONCORDIA        | 318-757-3667 |
| DESOTO           | 318-872-6311 |
| EAST BATON ROUGE | 225-925-4571 |
| EAST CARROLL     | 318-559-3664 |
| EAST FELICIANA   | 225-683-3734 |
| EVANGELINE       | 337-363-6011 |
| FRANKLIN         | 318-362-3062 |
| GRANT            | 318-627-3000 |
| IBERIA           | 337-373-0026 |
| IBERVILLE        | 225-687-4373 |
| JACKSON          | 318-371-3004 |
| JEFFERSON (EAST) | 504-736-7033 |
| JEFFERSON (WEST) | 504-361-6083 |
| JEFFERSON DAVIS  | 337-824-9649 |
| LAFAYETTE        | 337-262-5244 |
| LAFOURCHE        | 985-447-0945 |
| LASALLE          | 318-339-6030 |
| LINCOLN          | 318-251-4101 |
| LIVINGSTON       | 225-686-7257 |
| MADISON          | 318-574-5201 |
| MOREHOUSE        | 318-283-0820 |
| NATCHITOCHES     | 318-357-3128 |
| ORLEANS          | 504-680-9000 |
| OUACHITA         | 318-362-5311 |
| PLAQUEMINES      | 504-361-6083 |
| POINTE COUPEE    | 225-638-4846 |
| RAPIDES          | 318-487-5116 |
| RED RIVER        | 318-357-3128 |
| RICHLAND         | 318-728-3037 |
| SABINE           | 318-256-4104 |
| ST BERNARD       | 504-736-7033 |
| ST CHARLES       | 985-652-2938 |
| ST HELENA        | 985-748-2001 |
| ST JAMES         | 985-652-2938 |
| ST JOHN          | 985-652-2938 |
| ST LANDRY        | 337-942-0050 |
| ST MARTIN        | 337-394-6081 |
| ST MARY          | 337-828-5278 |
| ST TAMMANY       | 985-893-6225 |
| TANGIPAHOA       | 985-748-2001 |
| TENSAS           | 318-766-3998 |
| TERREBONNE       | 985-857-3634 |
| UNION            | 318-368-7917 |
| VERMILION        | 337-898-1430 |
| VERNON           | 337-238-3098 |
| WASHINGTON       | 985-732-6800 |
| WEBSTER          | 318-371-3004 |
| WEST BATON ROUGE | 225-687-4373 |
| WEST CARROLL     | 318-728-3037 |
| WEST FELICIANA   | 225-683-3734 |
| WINN             | 318-648-6805 |

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## OFFICE OF COMMUNITY SERVICES

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